

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

November 12, 2014

The meeting was called to order at 4:01 p.m. by Chairman Phil Conder at 3600 Constitution Blvd., West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Harold Woodruff, Brent Fuller, Jack Matheson, Terri Mills, Phil Conder, Barbara Thomas, and Clover Meaders

ABSENT

Latai Tupou

WEST VALLEY CITY PLANNING DIVISION STAFF

Steve Pastorik, Steve Lehman, Jody Knapp, Lee Logston, and Nichole Camac

AUDIENCE

Approximately twenty-seven (27) people were in the audience

ZONE TEXT CHANGE APPLICATION

ZT-6-2014

West Valley City

Amending Section 7-6-1605 of the City Center Zone

Staff is proposing an amendment to paragraph 2 of Section 7-6-1605 of the City Center (CC) Zone. This paragraph lists the prohibited uses in the Zone. The proposed amendment, which is attached to this report, expands the list of prohibited uses.

When the CC Zone was first adopted in 2006, it included ten purposes which are listed below:

1. Implement the goals set forth in the Fairbourne Station Vision within the General Plan.
2. Create a recognizable center or downtown for West Valley City.
3. Encourage and direct development that supports transit.
4. Encourage infill and redevelopment near the transit station by City Hall.
5. Create new opportunities for economic growth and redevelopment.
6. Reinforce the use of public transportation by locating higher-intensity development, including employment-oriented businesses and higher density residential uses, adjacent to transit stops.
7. Encourage mixed-use development to reduce automobile dependency and roadway congestion by combining trips and locating destinations within walking and biking distances – all interconnected with transit.
8. Enhance neighborhood identity by creating more choices such as walking, biking and shopping to residents that promote safety, friendliness and livability.
9. Provide a mix of housing types, costs and densities.
10. Promote architectural and site design treatments that enhance the visual appearance of development within the Zone.

The proposed amendment that expands the list of prohibited uses will further the purposes of the CC Zone specifically by encouraging development that supports transit, encouraging redevelopment and enhancing neighborhood identity. Each of the proposed additions to the prohibited use list falls into at least one of the following three categories:

Low Intensity Uses

Higher intensity uses have more people per square foot and support transit more effectively than lower intensity uses. Examples of low intensity uses include furniture stores and moving truck rental businesses.

Uses that Discourage Redevelopment

Since the adoption of the CC Zone, the City Center project (now known as Fairbourne Station) has been the highest priority project for the City. This is evidenced by the City's huge investment in staff time and capital for this project. To date the City has:

- Acquired nearly 60 properties – \$20 million
- Built new roads and the promenade park – \$11 million
- Facilitated mall renovation by assisting with demolition and infrastructure – \$10 million
- Secured funding for parking structure – \$16 million

To protect the City's investment and to further the City Center Zone purpose of promoting redevelopment, the City wants to discourage uses that would be incompatible with high quality uses like

Class A office. Examples of uses that would be incompatible include bail bonds, blood plasma centers, laundromat and retail tobacco specialty store.

Uses that Already Exist Nearby

Fairbourne Station Vision that is adopted as part of the General Plan includes the goals of creating a mix of land uses, diverse shopping choices and a unique town center with a strong sense of place. Uses like supermarkets and movie theaters are already nearby and would not add to the diversity or uniqueness of the area.

The CC Zone area of 49 acres represents a small portion of the overall zoning that allows commercial uses. The following table lists the zones that allow some form of commercial use and the total acreage of each zone within the City. The zones listed in the table allow some or all of the proposed prohibited uses for the CC Zone. In other words, there are still opportunities for these uses to locate elsewhere in the City.

Zone	Total Acreage
Neighborhood Commercial (C-1)	43
General Commercial (C-2)	1,033
Transitional Commercial (C-3)	27
Business/Research Park (B/RP)	304
Mixed Use (MXD)	15
Manufacturing (M)	8,126

Staff Alternatives

1. Approval of the application to amend the City Center Zone.
2. Continuance for reasons determined during the public hearing.
3. Denial, the ordinance should remain unchanged.

Applicant:

West Valley City

Opposed:

Fred Cox
4466 Early Duke Street

Discussion: Steve Lehman presented the application. Terri Mills stated that a fitness center seems like a high intensity use and questioned why this would be restricted from the zone. Steve replied that something like this wouldn't contribute to the overall City Center Zone since it doesn't typically enhance transit and also because it takes up a lot of space for parking.

Fred Cox indicated that a tenant in this area has a 15 year lease and still has 5 years left. He stated that the use is auto related and can currently get a business license through a loophole but this ordinance will effectively remove that option. Mr. Cox indicated that the tenant would like to put in landscape, improve the site, and generate sales tax but with this approval it will remain vacant and unused for 5 years. He stated that the applicant has had 10 years to open but hasn't made the decision to operate until recently. Phil Conder asked if there are conditional uses in the 'CC' zone. Mr. Cox replied that there are but the building must be over 100,000 square feet.

Barbara Thomas stated that it is difficult to think of all the potential negative businesses that could operate in a downtown area. She indicated that the City is trying to create a specific image and develop a more urban downtown for West Valley City. Jack Matheson asked if non-conforming businesses will still be allowed. Steve replied yes and added that for a non-conforming business to continue it must be operational continuously. If one year passes and the

use hasn't continued, it becomes void. Phil Conder stated that he isn't sure if he feels good about this list but does understand what the City is trying to do. Clover Meaders agreed and stated that it may be a good idea to study the list a little more extensively. Jack Matheson stated that automotive uses were not allowed in 2006 but if the tenant had been operating at that time he could have continued his business as a non-conforming use. Harold asked if the north side of 3500 S has always been part of the City Center Zone. Steve replied yes. Terri Mills stated that she still likes the idea of allowing a fitness center and added that it may be beneficial to have a permitted use list included in the CC zone. Harold Woodruff agreed but added that a fitness center may need a lot of parking. Commissioner Mills replied that transit is being encouraged in the area. Brent Fuller added that a parking garage was recently approved.

Motion: Commissioner Fuller moved for continuance.

Commissioner Meaders seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	No
Commissioner Woodruff	Yes
Chairman Conder	Yes

Majority-ZT-6-2014- Continued

SUBDIVISION APPLICATIONS

S-14-2014

Highbury Place Subdivision – Phase 10

5012 West 2860 South

R-1-8 Zone

23 lots

7.3 acres

BACKGROUND:

Nick Mingo, representing Ivory Homes, is requesting final plat approval for the 10th phase of the Highbury Place Subdivision. The proposed subdivision is located to the east of phase 9. Property to the north and east is vacant and will be platted as future phases of Highbury in the future.

STAFF/AGENCY COMMENTS:

Public Works:

- Authorization required of ditch/water users for any abandonment, relocation, piping or any other modification to existing ditches or irrigation systems.
- Follow recommendations outlined in the soils report.
- Will need to address grading and drainage approvals of the preliminary plat.

- Will need appropriate easements for storm water and sewer connections.
- Revisions to plat required.
- Contact Salt Lake County for approval regarding street names and subdivision name.

Building Division:

- Follow recommendations outlined in the Soils report.

Utility Companies:

- Standard Utility Easements required.

Fire Department:

- Project to meet all fire codes relating to this type of development.
- Hydrants to be shown on plat.

ISSUES:

Ivory Homes is requesting final approval for the 10th phase of the Highbury Place Subdivision. This phase consists of 23 lots on 7.3 acres. Lot sizes range from 8,400 square feet to 15,360 square feet. The average lot size in this phase has been calculated at just over 10,000 square feet.

Access to the subdivision will be gained from Brixham Way, and Sandwell Drive. Both of these streets were dedicated as part of phase 9 to the west. Sandwell Drive will stub to the east for a future connection out to Corporate Park Drive.

All streets in the subdivision will be dedicated and will consist of a 54-foot right-of-way. This will allow a 5-foot parkstrip and 5-foot sidewalk. Ivory Homes has submitted a tree planting plan for the entire Highbury Place Subdivision. Ivory will provide home owners with a voucher to purchase and plant these trees. The residential HOA will ensure that trees are planted and maintained in accordance with the approved plan.

The Planning Commission and City Council have reviewed and approved a development agreement for the entire Highbury community. This agreement addresses dwelling size, building materials and other items related to the construction of residential homes. Staff believes that the requirements outlined in this agreement have created a unique community with a variety of housing options along with ample open space and recreational opportunities.

The subdivision is located next to an existing waterway along the south boundary of the subdivision. In previous phases, Ivory Homes has installed a semi private fence along the rear property lines adjacent to the waterway. This fence is constructed of a Trex post and wrought iron which allows visibility into the waterway. The same fence type will be installed along lots 1008-1011 in this phase that are adjacent to the waterway.

Ivory Homes is planning on installing basements for all homes. A soils report has been prepared which indicates that ground water was encountered at a depth ranging from 7-8 feet below

existing grades. All homes are eligible for basements and will comply with the water table elevation as noted on the plat. In addition, Ivory will be installing a sub-drain system to provide an extra measure of protection for new home owners.

STAFF ALTERNATIVES:

- A. Grant final plat approval for the 10th phase of the Highbury Place Subdivision subject to the following conditions:
1. That the subdivision be guided by the design standards and all exhibits of the development agreement dated December 2008.
 2. That the developer contact the Salt Lake County Auditor's Office regarding the subdivision name and all street names associated with the development.
 3. That compliance be made with Granger Hunter Improvement District i.e., water line extensions, connections, water rights and fire protection.
 4. That the developer coordinate all matters associated with any irrigation or open ditch systems with the City Engineering Division. The developer shall coordinate with any water users and the City Public Works Department as part of this recommendation.
 5. That the developer follow all recommendations outlined in the soils report. The proposed sub-drain system shall be reviewed and approved by the City Engineering Division.
 6. That the proposed development comply with all provisions of the West Valley City Fire Department.
 7. That the fence adjacent to the waterway be consistent with fencing materials used in previous phases adjacent to the waterways.
- B. Continue the application to address issues raised by the Planning Commission.

Applicant:

Nick Mingo
978 E Woodoak Lane

Discussion: Steve Lehman presented the application. The Planning Commission had no further questions or concerns.

Motion: Commissioner Thomas moved for approval subject to the 7 items listed by staff.

Commissioner Woodruff seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes

Chairman Conder Yes

Unanimous-S-14-2014-Approved

S-15-2014

Thomasville Manor Subdivision - Preliminary

7050 West 3500 South

R-1-10 Zone

26 Lots

9.8 Acres

BACKGROUND:

Mr. Elias Raigne, representing Reliance Homes, is requesting preliminary plat approval for the Thomasville Manor Subdivision. The subdivision is bordered on the north and west by existing single family development. The subdivision is bordered on the east by the Towns and Hunter Village and an existing duplex.

STAFF/AGENCY CONCERNS:

Public Works Department:

- Authorization of ditch/water users is required for any abandonment, relocation, piping or any other modification to existing ditches or irrigation structures.
- Dedication and improvements along 3500 South required.
- 3500 South improvements will require sidewalk at back of fence with a 14-foot stamp colored concrete parkstrip until UDOT improvements are installed.

Granger Hunter Improvement District:

- Subject to all GHID design and requirements.

Building Division:

- Will require a soils report prior to final plat review.

ISSUES:

The proposed subdivision will consist of 26 lots on approximately 9.8 acres. This equates to an overall density of 2.65 units per acre. Although the subject property is zoned R-1-10, the average lot size is approximately 11,000 square feet. This equation does not factor in the square footage of the existing homestead known as lot 124.

Access to the subdivision will be gained from 3500 South and from existing stub streets from the Orchard View Subdivision to the west and from the Hunter Village Subdivision to the north. The developer will be responsible to dedicate and improve 3500 South including curb, gutter and sidewalk. Although the applicant will dedicate the full right-of-way, improvements will be installed at the existing width of 40 feet.

The developer will be required to construct a masonry barrier wall along 3500 South. Said wall shall be reviewed and approved by the City Public Works Department prior to plat recordation.

Lots 101 and 126 are shown with a fairly large top back of curb radius. The Public Works Department does not believe that what is shown is needed. They have asked that the developer's engineer re-evaluate this and coordinate with UDOT to ensure the proper radius is being shown. This would reduce the amount of hard surface at the corner and would increase the size of the corresponding lots.

All streets will be dedicated and improved to the City's 54-foot right-of-way. The City Engineering Division is requiring that the radius at lots 102 and 124 to be a knuckle. This will help reduce traffic speeds and vehicles crossing travel lanes. The existing rights-of-way are not built to current standards. The new streets will need to transition with the existing rights-of-way and their existing widths. All street improvements will be coordinated with the City Engineering Division.

As the property has been farmed for many years, there are a number of irrigation ditches. These ditches will need to be piped in accordance with City ordinances. The developer will be responsible to coordinate with the irrigation company and/or ditch master along with water users to ensure that methods to pipe these ditches meet with their approval.

STAFF ALTERNATIVES:

- A. Approval of the Thomasville Manor preliminary subdivision plat subject to the following conditions:
 - 1. That the developer resolve all staff and agency concerns.
 - 2. That 3500 South be dedicated to a 53-foot half width. Improvements will be installed at the 40-foot half width including curb, gutter, sidewalk and barrier wall. Said improvements shall be coordinated with UDOT.
 - 3. That all irrigation ditches be piped. Prior to final plat review, the developer shall coordinate this matter with the irrigation company, and/or ditch master and water users.
 - 4. That compliance be made with Granger Hunter Improvement District regarding water line extensions, sewer connections and fire protection.
 - 5. That the subdivision name and interior street names be approved by Salt Lake County.
 - 6. That an appropriate ground water and soils investigation be made by a certified engineer. Said report shall be reviewed by the City Engineer and Building Official prior to final plat review.
 - 7. That all streets shall be dedicated and improved with curb, gutter, sidewalk and asphalt. Said improvements shall be in accordance with plan and profiles approved by the Public Works Department.
- B. Continuance to address issues raised during the Planning Commission meeting.

Applicant:

Elias Raigne
5941 Redwood Road

Neutral:

Jackie Schwartz
6996 W 3500 S

Discussion: Steve Lehman presented the application. Jack Matheson asked if the road to the north is private. Steve replied that there is a sidewalk and easement on private property so the road width is slightly less.

Barbara Thomas asked where the irrigation ditches are located. Elias Raigne, the applicant, replied along 3500 S to the east boundary. He stated that the specific plan has not been signed off yet so it could still change. Terri Mills asked why the stub street was chosen to the north instead of the one to the east. Steve replied that the one to the east is a private street and was extended to gain another unit and to provide RV parking.

Jackie Schwartz, a neighbor, stated that she owns parcels of land to the east. She indicated that there is a ditch and also large trees and questioned how this will be resolved. She also asked if the curb and gutter will extend to her property. Steve replied that this is a preliminary plat and many of the issues will be worked out by Public Works. He added that a survey will help determine where the ditch and trees are located. Steve stated that the curb and gutter will only be located on this piece of property and will not extend to hers.

Motion: Commissioner Fuller moved for approval subject to the 7 items listed by staff.

Commissioner Thomas seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Conder	Yes

Unanimous-S-15-2014-Approved

S-16-2014

Moose Landing Subdivision - Lot 1 Amended and Extended.

4133 South 4695 West

R-1-8 Zone

.83 acres

BACKGROUND

Mr. Joe Cunningham, is requesting a plat amendment to lot 1 of the Moose Landing Subdivision. The purpose for the plat amendment is to create one new building lot within the original subdivision. The Moose Landing Subdivision was recorded in June 1999. The original plat consisted of 11 lots on 4.6 acres.

STAFF/AGENCY CONCERNS:

All public infrastructure has been installed as part of the Moose Landing Subdivision and along 4100 South. New construction on lots 1A and 1B will need to comply with all building permit

approvals and road cut permit approvals with the City's Engineering Division. The applicant will need to coordinate all other utility services as they may apply.

ISSUES:

Mr. Cunningham is proposing a plat amendment to create an additional building lot within the Moose Landing Subdivision. The proposal will include a modification to lot 1 of the Moose Landing Subdivision and from the adjacent parcel fronting 4100 South. The end result will be the addition of a new building lot to be known as lot 1B.

Lot 1 as originally platted is approximately 12,471 square feet. The parcel to the north is approximately .48 acres in size. While it has a detached garage, the owners have apparently agreed to sell the southern portion to help in the creation of a new lot. The remaining portion of their property will be part of the new subdivision and will be known as lot 1C.

When the original subdivision was recorded, lot 1 had a boundary that included property on the west side of what will be lot 1C. This is the area that is nicely landscaped with a meandering sidewalk and pine trees. The developer of Moose Landing wanted a nice entry into the subdivision, and this was the chosen method.

In order to keep this entry feature in place, the northwest portion of lot 1B will have the same configuration. Staff assumes that Mr. Cunningham will make provisions to ensure that this area is well kept and maintained.

Access to the new lots will be gained from Colt Court. Public improvements along this right-of-way were installed by the developer of the original subdivision. Any damage to existing improvements, or damage associated with new construction will need to be repaired by the builder of the new lot. The applicant and/or builder of the new lot will also be responsible to coordinate the new drive approach on lot 1B.

The original soils report for the Moose Landing Subdivision indicated that ground water was encountered at a depth of 9 feet. Recommendations outlined in the original report will apply for the new lot. To staff's knowledge, there have been no indications of high water table and or problems associated with ground water in general.

STAFF ALTERNATIVES:

- A. Approve the amendment of lot 1 in the Moose Landing Subdivision subject to a resolution of staff and agency concerns.
- B. Continue the application to address issues raised during the hearing.

Applicant:

Joe Cunningham
4139 S Colt Court

Discussion: Steve Lehman presented the application. Barbara Thomas asked why the narrow piece of property is dedicated to lot 1B instead of lot 1C. Steve replied that it was part of the original lot 1 and that the property owner of lot 1C likely doesn't want the responsibility of it since it was not part of the original subdivision.

Joe Cunningham, the applicant, stated that he wanted to limit the access of the Baptist Church onto this street. The landscaping will help keep the appearance of the subdivision nice and will prevent confusion.

Motion: Commissioner Woodruff moved for approval subject to the resolution of staff and agency concerns.

Commissioner Thomas seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Conder	Yes

Unanimous-S-16-2014-Approved

S-17-2014

Colt Plaza Subdivision

3180 South 5600 West

C-2 Zone

4 Lots

21.6 Acres

BACKGROUND

Joe Cunningham is requesting preliminary and final subdivision approval for a commercial subdivision in the C-2 Zone. The subject property is located at approximately 3180 South 5600 West. It is bordered on the west by what will be the Mountain View Corridor, the north by 3100 South, the east by 5600 West and the south by existing commercial development.

ISSUES:

In November 2002, the subject property was divided by metes and bounds. It consisted of 5 parcels and was the catalyst for getting the City's first Walmart store. To remind the Planning Commission, a metes and bounds subdivision is a record of survey that creates legal descriptions to divide property. It is generally used for commercial purposes and does not require road dedication.

Mr. Cunningham, is proposing to formally divide the property to create an additional commercial lot. In addition, the subdivision will establish cross access and parking easements on a recorded plat as opposed to documents that were previously recorded. Lots within the subdivision will accommodate a variety of commercial uses. Future land uses will be subject to the standards outlined in the C-2 zone and will be processed as either conditional or permitted uses.

Access will be gained from 3100 South. Although each of the three lots have frontage on 3100 South, access will be restricted to the two existing approaches approved for the original Walmart site plan. Internal access will be gained via the aforementioned cross access easements.

Due to this application being a commercial subdivision, staff and agency comments will be better addressed during the conditional use and/or permitted use processes. The subdivision plat will contain

easements and other information applicable to the division of property, but does not address site design issues typically found in commercial developments.

STAFF ALTERNATIVES:

Approve the Colt Plaza Commercial Subdivision subject to staff concerns.

Continue the application to address issues raised during the Planning Commission meeting.

Applicant:

Joe Cunningham
4139 S Colt Court

Discussion: Steve Lehman presented the application. Joe Cunningham stated that the remaining parcel was purchased, the gas station was removed, and he would now like to move forward with developing this. He indicated that he felt it would work better to divide the lot into three separate ones and the buildings will be built accordingly. Mr. Cunningham stated that there will be cross easements for drive, storm drains, and parking. Phil Conder asked if this will impact Walmart's storage. Mr. Cunningham stated that he has talked with Walmart and requested that they clean up their property. He indicated that he hopes having this lot developed will encourage them to do it quicker. Barbara Thomas stated that she likes that there are not separate entrances to each parcel.

Motion: Commissioner Matheson moved for approval subject to the resolution of staff concerns.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Conder	Yes

Unanimous-S-17-2014-Approved

S-18-2014

Colt Plaza III Subdivision – Lot 5 Amended and Extended

2938 South Glen Eagles Drive

C-2 Zone

1 Lot

BACKGROUND

Mr. Joe Cunningham, is requesting an amendment to lot 5 of the Colt Plaza Phase 3 Subdivision. The purpose for the plat amendment is to extend the subdivision by including the two properties to the west.

STAFF/AGENCY CONCERNS:

There are no staff or agency concerns with this application as they have been addressed as part of the original subdivision application. It should be noted that the applicant will need to coordinate engineering and utility issues when the property does develop.

ISSUES:

The Colt Plaza III Subdivision was recorded with the Salt Lake County Recorder's Office in January 2006. The original subdivision plat consisted of 5 lots. To the west of lot 5 are two properties that were previously used for residential and agricultural purposes. These properties recently came up for sale and were purchased by the applicant.

In October 2014, the applicant submitted a zone change application with the Planning Commission. The request was to rezone these properties from the A zone to the C-2 zone. A change that the applicant believes is prudent given its limited access and lack of visibility from 5600 West.

Mr. Cunningham would like to extend the boundary of the original subdivision by including these two parcels. The intent is to consolidate lot 5 with the two parcels creating one large lot. At a future date the property will be developed with a commercial use.

Access will be gained from Glen Eagles Drive to the east. At the present time, lot 5 is serviced from a 25-foot access drive. This is the same drive that will provide access to the new lot. Currently, there are no plans to develop this property in conjunction with vacant land to the north. However, should the property owners come up with a plan to utilize both properties for a joint venture, access could then be gained from the north as well.

STAFF ALTERNATIVES:

- A. Approve the plat amendment as submitted.
- B. Continuance to allow for more discussion regarding the application.

Applicant:

Joe Cunningham
4139 S Colt Court

Discussion: Steve Lehman presented the application. Jack Matheson stated that the access is a 25 stem and asked if it's treated like a flag lot. Steve replied yes and indicated that it will have easements for water, sewer, etc.

Joe Cunningham, the applicant, stated that he may eventually work with the property owner to the north and do a joint development but added that these lots can be developed successfully on their own as well. He stated that there is open access to the surrounding properties and has good visibility in conjunction with the building. Mr. Cunningham indicated that the rear parcel will likely be storage units and the building will be a lighter commercial type use. He indicated that the property owner to the north is not sure about selling his property but Mr. Cunningham stated that he will hold off on developing the site until he gets a definitive answer.

Motion: Commissioner Woodruff moved for approval.

Commissioner Thomas seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes

Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Conder	Yes

Unanimous-S-18-2014-Approved

S-19-2014

Khadeeja Cemetery Subdivision

2516 South Winton Street

A Zone

1 Lot

BACKGROUND

Mr. Abdul Afridi, is requesting a plat amendment for lots 1, 13 and 14 of the Chesterfield Plat A Subdivision. This application will also vacate the southern portion of Winton Street, but will also dedicate a cul-de-sac at the south end of Winton Street. A similar application was reviewed by the Planning Commission in September 2014. Subsequently to that meeting, the applicant has acquired an additional lot to the north, thus requiring review by the Planning Commission. The property is located in the Chesterfield Plat A Subdivision and is bordered on the north, south and west by existing residential uses and the east by Winton Street and UTA's trax line.

STAFF/AGENCY CONCERNS:

Staff and agency concerns will be addressed as part of the permitted use application for the Khadeeja Cemetery. This application is to simply consolidate property and dedicate right-of-way.

ISSUES:

The applicant is proposing to construct a cemetery at the south end of Winton Street. The cemetery is located in close proximity to the Islamic Society of Greater Salt Lake. It is this organization that will oversee the operation of the cemetery.

A cemetery is defined as a community use in the City's land use code. In the agricultural zone, community use is listed as a permitted use. When staff was approached about the potential cemetery, a number of issues were raised with the applicant. Issues such as required permits from the State and County, engineering, site plan, landscaping, fencing and ground water matters were discussed. These issues will be further explored as part of the permitted use application.

At this same time, staff did inform Mr. Afridi that there were subdivision issues that would need to be addressed as well. The two primary issues regarding this application are the consolidation of 3 lots and a portion of the vacated Elba Avenue and the dedication of a new cul-de-sac at the south end of Winton Street.

Access to the future cemetery will be gained from Winton Street via the new cul-de-sac. At the present time, public improvements do not exist along Winton Street. The cul-de-sac will be constructed with curb, gutter, sidewalk and a street light.

STAFF ALTERNATIVES:

- A. Approve the Kahdeeja Cemetery Subdivision Subdivision subject to a resolution of staff concerns.

- B. Continuance to allow the applicant an opportunity to address issues raised during the public hearing.

Applicant:

George Buys
655 E 4500 S

Opposed:

Antonio Suarez
2556 S Chesterfield

Discussion: Steve Lehman presented the application. Phil Conder stated that the use of the property is not being considered at the hearing today, only the subdivision plan.

George Buys, representing the applicant, indicated that the applicant acquired the additional property to the north which has allowed him a more efficient use of the subdivision. He indicated he feels this will be a good addition to the community. Barbara Thomas asked where excess dirt will be stored. Mr. Buys replied that it will be stored at the end of the parking lot and will be moved out as needed.

Antonion Suarez, a neighbor, stated that he didn't receive notification of this hearing and heard about it from his neighbors. Steve replied that the City provides notice to residents within 300 feet of the property and added that the letter is sent to the property owner. Mr. Suarez stated that no one wants to live near a cemetery and added that his home value will significantly drop. Commissioner Thomas asked if there is any information that shows a decrease in home value when residing next to a cemetery and stated that she doesn't believe there is a correlation. Steve stated that this is an allowed use and indicated that it will be fenced, gated, and landscaped. Phil Conder stated that the Commission understands Mr. Suarez's frustration but indicated that this is a permitted use and the property owner can do what he chooses with the property.

Jack Matheson stated that he feels the benefits of this use will outweigh any negatives and added that he feels it's a good location for a cemetery.

Motion: Commissioner Fuller moved for approval subject to a resolution of staff concerns.

Commissioner Woodruff seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Conder	Yes

Unanimous-S-19-2014-Approved

CONDITIONAL USE APPLICATIONS

C-59-2014

**Fruti Bar (Victor Abarca)
1898 West 3500 South Unit #15**

**Convenience Store
C-2 Zone (1.2 Acres)**

Introduction:

The applicant, Victor Abarca, is requesting a conditional use amendment for a convenience store at 1898 West 3500 south. The zoning for this area is C-2, and convenience stores are a conditional use in this zone. The West Valley City General Plan anticipates general commercial uses for this area. The surrounding zone is RM to the north, R-1-6 to the northwest, and the remaining sides are C-2. The surrounding uses include the existing Little Saigon retail center to the east, a retail furniture store to the west, single family residential to the northwest, and townhomes to the north.

Fruti Bar will occupy unit number 15 in the newly constructed International Market Center. The space will be 1283 square feet. There will be 2 employees and the hours of operation are proposed for Monday – Sunday from 7:00 a.m. – 9:00 p.m. The items that would be sold will include chips, snacks, ice cream, sodas, bread and fruit. There will be an area provided to prepare and serve cut fruit but no seating will be provided and the use will not be a restaurant. There will be no sales of tobacco or alcohol.

The overall parking for the site was approved with a mixture of retail, office and restaurant tenants. The convenience store is similar to a retail use so parking is calculated as 1 space per 250 square feet of gross floor area. Five parking stalls will be required for this use which the site can support.

The applicant will utilize the existing wall space for signage. There is no monument sign proposed for this shopping center. All signage must meet the West Valley City Sign Ordinance including but not limited to no more than 50% of the windows may have signage.

Staff Alternatives:

Approval of the conditional use for Fruti Bar, a convenience store, subject to the resolution of any concerns raised at the public hearing as well as the following conditions:

1. The use approved is for a convenience store only. The business shall not operate as a retail tobacco specialty store or a restaurant.
2. All signage shall comply with the West Valley City Sign ordinance.
3. Must meet the requirements of all affected departments and agencies.
4. Subject to review upon valid complaint.

Continuance for reasons determined at the hearing.

Applicant:

Victor Abarca
1080 W 3300 S

Favored:

Fred Cox
4466 S Early Duke Street

Discussion: Jody Knapp presented the application. Victor Abarca, the applicant, stated that he feels this will be a good, beneficial business for the area. Fred Cox, a resident, stated that he worked on the building and is glad people are moving in.

Motion: Commissioner Thomas moved for approval subject to the 4 staff conditions.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Conder	Yes

Unanimous-C-59-2014-Approved

C-60-2014

Banzai Teppan Yaki (Phoebe Lam Ly)
2856 S. 5600 W.
Restaurant liquor license
C-2 Zone (.51 Acres)

Introduction:

The applicant, Phoebe Lam Ly, is requesting a conditional use amendment for a restaurant liquor license at 2856 South 5600 West. The property is zoned general commercial (C-2). A restaurant with a liquor license is listed as a conditional use in the C-2 Zone. The General Plan designation is general commercial and the property is located within the 5600 West Overlay Zone. The surrounding zone is C-2 with R-1-10 to the south and west. The surrounding uses include a restaurant and retail center to the north and vacant land to the south and west.

Banzai Teppan Yaki was approved for a restaurant use by the Planning Commission on Jan 9, 2013. Since that time they have been redeveloping the site and preparing for the opening of their restaurant in November 2014. Therefore at this time they would like to apply for a limited restaurant license through the Department of Alcohol and Beverage Control (DABC) and serve sake, heavy beer and wine, therefore becoming a restaurant with liquor under the West Valley City Code.

A sample menu has been attached for review and this location meets all of the spacing requirements set forth in section 7-6-1011 of the West Valley City Code.

Staff Alternatives:

Approval of the conditional use for Banzai Teppan Yaki, a restaurant with a liquor license, subject to the resolution of any concerns raised at the public hearing as well as the following conditions:

1. Shall comply the spacing requirements for alcohol establishments as set forth in the West Valley City Municipal Code.
2. Must meet the requirements of all affected departments and agencies, including but not limited to, the Department of Alcohol and Beverage Control.

Continuance for reasons determined at the hearing.

Applicant:

Fred Cox
4466 Early Duke Street

Discussion: Jody Knapp presented the application. Fred Cox, representing the applicant, indicated that this building was once an auto related use but has been converted into a restaurant. Barbara Thomas asked if parking will be sufficient. Mr. Cox replied that a significant amount of the business is generated from take out. If the restaurant wanted to add more tables and chairs, they would likely need to add more parking in the future.

Motion: Commissioner Meaders moved for approval subject to the 2 staff conditions.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Conder	Yes

Unanimous-C-60-2014-Approved

C-61-2014

The Competitive Edge

2260 S. 4000 W.

M Zone (1 Acre)

The applicant, Mitchell Peterson representing The Competitive Edge, is requesting a conditional use for a property maintenance business at 2260 South 4000 West. The zoning for this area is M, Manufacturing. The West Valley City General Plan anticipates Light Manufacturing uses for this area and the property is located within the Bangerter Highway Business Park Overlay Zone. The surrounding zones are M. The surrounding uses are vacant land to the south, a Rocky Mountain Power Substation to the north and Bangerter Highway to the east.

The Competitive Edge is proposing to utilize this site for an office space as well as storage and maintenance of the company's lawn care, landscaping and snow removal equipment. There is an existing 4,000 square foot building on west side of the site surrounded by existing paving. The proposal is to utilize this developed portion of the site initially and then expand and improve the eastern portion of the site in the following year. There was an old home located in this area that has since been removed and the remaining eastern side of the site is undeveloped. This area will need to be maintained and kept in good condition and shall not be utilized until it is improved per the standards set forth by the West Valley City Code. That approval process will include a Public Works review of a grading and drainage plan for the newly paved areas, and installation of landscaping along the frontage in accordance with the requirements in the Banger Highway Business Park Overlay Zone.

There will be some outside storage associated with this use. The Banger Highway Business Park Overlay Zone limits this use to 25% of the overall site. This storage must be on hard surfacing and

screened from public view. All dumpster areas must be screened as well with a 6' tall masonry enclosure.

Currently the access to this site is on a gravel road. There is an existing Delay Agreement in place on this property for the installation of pavement along with the curb, gutter and sidewalk. That agreement was established in 1992 and stipulates that the improvements can be delayed until the property to the south develops or until Public Works requires the installation of those improvements.

The applicant intends to place wall signage on the building and those signs will be constructed in accordance with the West Valley City Sign Ordinance and a building permit will be obtained for all signage. No other signage is proposed at this time.

Staff Alternatives:

Approval, subject to the resolution of any concerns raised at the public hearing as well as the following conditions:

1. All parking, storage, access drives and maneuvering areas must be hardsurfaced and improved per the standards set forth in the West Valley City Code.
2. Areas that are not improved shall not be utilized and shall be kept properly maintained.
3. The frontage shall be landscaped according to the standards set forth in Chapter 7-22-300 Bangerter Highway Business Park Overlay Zone. This shall be completed as the eastern portion of the site is developed.
4. All signage shall comply with the West Valley City Sign Ordinance.
5. Dumpsters on site must be located within a 6' tall masonry enclosure.
6. Outside storage is limited to 25% of the site and must be screened from public view.
7. All requirements of affected departments and agencies must be met including but not limited to the West Valley City Public Works Department.
8. This use is subject to review upon a valid complaint.

Continuance, to allow for the resolutions of any issues raised at the public hearing.

Applicant:

Mitchell Peterson
2039 Maple Hollow Lane

Discussion: Jody Knapp presented the application. She indicated that the applicant can have wall signage but has not proposed anything at this time. Terri Mills asked what color the building will be painted. Mitchell Peterson, the applicant, stated that he isn't sure but would like it to be more of a neutral color so that it blends in with the area instead of sticking out. Commissioner Mills indicated that she likes the idea of the vegetable garden.

Motion: Commissioner Thomas moved for approval subject to the 8 staff conditions.

Commissioner Woodruff seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Conder	Yes

Unanimous-C-61-2014 Approved

C-62-2014

Kearns Improvement District

6355 West 5400 South

M Zone (1.95 Acres)

The applicant, Kearns Improvement District (KID), is requesting a conditional use for a modification of the landscaping requirements for High Image Arterials along the frontage of a well facility at 6355 West 5400 South. This property is zoned M, manufacturing and the West Valley City General Plan designates this area as light manufacturing. The surrounding zone is manufacturing and the surrounding uses include the Mountain View Corridor to the east and vacant property owned by UDOT on all remaining sides.

KID has an existing facility at this location and have proposed to add a Well House building to the site and improve the driveway access. The facility has frontage along 5400 South, which is listed as one of West Valley City's major arterials. These frontages have specific landscaping requirements set forth in chapter 7-13 of the West Valley City Municipal Code. These requirements take effect when there is a substantial modification to an existing site or structure in which the estimated construction cost exceeds \$50,000. The estimated costs for this project meet that criteria therefore, the following standards would apply:

Fifty percent of the area of the landscaped buffer shall be planted with grass and shade and/or large conifer trees. The remaining 50 percent of the area may include, but not be limited to, vehicular access drives, specialty paving, street furniture, and outdoor seating areas. There shall be a minimum of one tree planted for each 600 square feet of the gross area of the landscaped buffer.

The two wells at this location are for culinary water and the tanks are both partially above the ground. The slope adjacent to these tanks is approximately 45% and the base of the northernmost tank is sloped all the way into the required 20' setback area up to the front fence/property line. KID has indicated that this layout makes it difficult to plant sod and other landscaping materials at the base of these tanks. Therefore they have requested to modify the landscaped buffer and would like to utilize a mixture of perennials, shrubs and decorative rock and not install any lawn. They are also concerned about tree roots in close proximity to the tanks so they have requested to only plant one tree in the northeast corner of the site out of the slope area.

The site is currently set back approximately 40' from the back of the curb. The property in that area is currently owned by Salt Lake County and UDOT. Staff suggests that KID contact those entities and try to improve that area as part of this project. The addition of live plant material does not seem suitable but

the area is currently very overgrown with weeds and is not maintained so at a minimum gravel and possibly some weed barrier could be installed to enhance the area.

The remaining portion of the site, including the areas on the tanks, will be left undisturbed but the site must be kept maintained and in good condition.

Staff Alternatives:

Approval, subject to the resolution of any concerns raised at the public hearing as well as the following:

1. Landscaping along 5400 South shall include at least fifty percent live plant material (ground cover, perennials, shrubs, etc.) with a minimum of one tree planted. The remaining portion of the buffer will be rock much.
2. UDOT and Salt Lake County must be contacted regarding the space between the KID property and the curb in an effort to enhance and maintain the area adjacent to this project as well.

Continuance, to allow for the resolutions of any issues raised at the public hearing.

Denial, as the proposed modifications to the landscaped buffer are not appropriate at this location and are not consistent with the streetscapes standards set forth for major arterials.

Applicant:

Greg Anderson
5350 W 5400 S

Discussion: Jody Knapp presented the application. Phil Conder asked why UDOT and Salt Lake County haven't maintained their portion of property along 5400 S. Jody replied that this is an enforcement issue and she has asked the applicant to reach out to them.

Greg Anderson, the applicant, stated that tree roots can cause significant damage to the water tanks and the function of the system which is why only one tree has been proposed in the landscaping plan. He indicated that he will try to contact UDOT to get landscaping concerns resolved. Terri Mills stated that she would like to see some sort of creeping vine or vegetation planted on the slope of the water tank to enhance landscaping. Jack Matheson stated that he noticed graffiti on the building next to the road. Mr. Anderson replied that this building is owned by Hexcel. Barbara Thomas stated that there will be a lot of people coming into the area via the Mountain View Corridor and encouraged more ground landscaping. Mr. Anderson replied that they will do as much as they can.

Motion: Commissioner Mills moved for approval subject to the 2 staff conditions and adding condition 3 to state: Additional landscaping shall be added to enhance the appearance of the slope on the water tanks. The applicant shall work with staff to determine the details.

Commissioner Thomas seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes

Commissioner Woodruff	Yes
Chairman Conder	Yes

Unanimous-C-62-2014-Approved

C-63-2014

Freddy's Frozen Custard and Steakburgers

Arbor Gardner

5502 West High Market Drive

Restaurant with drive-through

M Zone (0.85 Acre)

Arbor Gardner is requesting conditional use approval for a restaurant with a drive-through at 5502 West High Market Drive at Highbury Centre. The property is zoned manufacturing (M) and the General Plan designates this area as General Commercial. Surrounding land uses are primarily commercial. The immediate surrounding zone is M with commercial land uses, with multi-family, commercial, and manufacturing land uses beyond the shopping center.

This parcel is currently improved as surface parking in front of the Target and is one of two pad sites to be developed on the north side of High Market Drive. 38 parking stalls are provided on the site, in excess of the required 32 spaces, and the overall development is governed by a shared parking agreement. The drive through lane has adequate stacking. As the parcel had already been finished as surface parking and the new development fits within the previously paved area, the landscaping for the site is mostly already installed. A few new planter areas around the building will be installed.

Freddy's will be approximately 3215 square feet with a large outdoor covered dining area. The drive through lane wraps around the north and west sides of the building. At the time of this report, there are a handful of minor site issues involving the dumpster location and setbacks, but that will be addressed by the public hearing. Signage for this site is proposed on the walls of the building. No additional monument signage is allowed in Highbury Centre according to the C-1-2013 approval governing pole and monument signs for the overall complex.

One of the conditions for the overall approval for the Highbury Centre development (C-51-2012) was that "any pads/buildings shown on the site plan for which no elevations have been submitted must come back to the Planning Commission for approval." The overall architecture, colors, and design of the building is complementary to the rest of the buildings in the Highbury Centre complex. The patio, drive through, and rear facades of the building all meet our Commercial Design Standards. The east (entrance) facade of the building is lacking one "building design treatment".

At the time of this staff report, the applicant was revising the east elevation to attempt to meet our design requirements while still honoring Freddy's corporate design and colors. According to 7-14-214 (1) i, the Planning Commission can use discretion to approve any treatment that meets the intent of the Commercial Design Standards.

Staff Alternatives:

Approval, subject to the resolution of any issues raised at the public hearing, as well as the following conditions:

1. The building must meet the Commercial Design Standards and/or all elevations must be approved by the Planning Commission.

2. The dumpster location shall be approved and screened per ordinance and with additional landscaping.
3. There will be no additional monument signs on site.
4. Must meet requirements of all effected departments and agencies.

Continuance, to allow for the resolution of any issues raised at the public hearing.

Applicant:

Mark Murdock
90 S 400 W

Discussion: Lee Logston presented the application. Barbara Thomas asked which side of the building the entrance will be located. Lee replied east. She asked if the south side will be the outdoor dining area. Lee replied yes. Mark Murdock, the applicant, stated revisions were made to reflect concerns raised by the Planning Commission during the Study Session and the applicant is excited to move forward.

Motion: Commissioner Thomas moved for approval subject to the 4 staff conditions.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Conder	Yes

Unanimous-C-63-2014-Approved

C-64-2014

**Granger Hunter Improvement District
1302 West 3100 South
B/RP Zone (9.85/.45 Acres)**

The applicant, Brad Paxman representing Granger Hunter Improvement District (GHID), is requesting a conditional use for a modification of the landscaping requirements for High Image Arterials. The property is located at 1302 West 3100 South. This property is zoned B/RP, Business Research Park. The West Valley City General Plan designates this area as residential/office. The surrounding zones include agricultural to the north and east, RM to the west, and C-2 to the south. The surrounding uses include vacant land to the north and east, the Jordan Meadows Townhomes to the west and the Utah Cultural Celebration Center (UCCC) to the south.

GHID has an existing well facility at this site. The facility utilizes approximately .45 acres of the entire 9.85 acre site. Currently the electrical components for the facility are housed in above ground metal cabinets. There have been some maintenance problems with this system so GHID would like to construct an electrical room for the equipment. They will also be installing a screen wall to shield the

facility. This wall will be constructed as part of the electrical building with a façade that is similar to the adjacent UCCC building. The paving on site is existing and will not be modified or expanded at this time.

The facility has frontage along 3100 South, which is listed as one of West Valley City's major arterials. These frontages have specific landscaping requirements set forth in chapter 7-13 of the West Valley City Municipal Code. These requirements take effect when there is any substantial modification to an existing site or structure in which the estimated construction cost exceeds \$50,000. The estimated costs for this project meet that criteria therefore, the following standards would apply:

Fifty percent of the area of the landscaped buffer shall be planted with grass and shade and/or large conifer trees. The remaining 50 percent of the area may include, but not be limited to, vehicular access drives, specialty paving, street furniture, and outdoor seating areas. There shall be a minimum of one tree planted for each 600 square feet of the gross area of the landscaped buffer.

This facility is unmanned and GHID feels that they can not properly maintain the site if those standards are applied at this location. Therefore they have requested to modify the landscaped buffer and would like to utilize a mixture of perennials, shrubs and decorative rock and not install any lawn. There is also a large easement along the frontage due to the location of pipes for the Central Valley Water Reclamation Facility. This easement prohibits the use of trees and any large plants that would have roots that would damage the system. Therefore, GHID is requesting to not locate any trees within the easement but have indicated that they will add trees at the north edge of the landscaped area. These trees would be chosen from the list included in the major arterial standards and planted at a ratio of one tree for every 30-feet of frontage

This site is also secured by an existing chain-link fence that is approximately 2-feet from the existing curb. This is consistent with fencing on the adjacent properties as well. GHID is requesting to keep the fence in place at this time. Staff is supportive of this but have specified that if any improvements are required along 3100 South in the future or if the property is further developed in the future that the fence location would have to be reevaluated.

Staff Alternatives:

Approval, subject to the resolution of any concerns raised at the public hearing as well as the following:

1. Landscaping along 3100 South shall include at least fifty percent live plant material (ground cover, perennials, shrubs, etc.) with a minimum of one tree every thirty feet to be located outside of the Central Valley WRF easement.
2. The existing chain-link fence may remain at its current setback at this time but the location may need to be reevaluated in the future.
3. The remaining site shall be improved per the approved plans and in accordance with the West Valley City Municipal Code.

Continuance, to allow for the resolutions of any issues raised at the public hearing.

Denial, as the proposed modifications to the landscaped buffer are not appropriate at this location and are not consistent with the streetscapes standards set forth for major arterials.

Applicant:

Brad Paxman
3888 S 3600 W

Discussion: Jody Knapp presented the application. Brad Paxman, the applicant, stated that this will be a significant improvement to what is currently there now and would request that the exceptions be granted. Commissioner Thomas stated there should be some landscaping if not grass. Jody replied that there will be 30 feet of landscaping on either side of the easement that includes gravel, rock mulch, boulders, and a variety of shrubs.

Motion: Commissioner Woodruff moved for approval subject to the 3 items listed by staff.

Commissioner Thomas seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Conder	Yes

Unanimous-C-64-2014-Approved

PLANNING COMISSION BUSINESS

Approval of Minutes from October 22, 2014 (Regular Meeting) **Approved**

Approval of Minutes from November 5, 2014 (Study Session) **Approved**

There being no further business, the meeting adjourned at 5:46 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant